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Judge Timothy W. Dore
Chapter 13
Hearing Date: November 5, 2014
Time: 9:30 AM

9
10 **UNITED STATES BANKRUPTCY COURT**
11 **WESTERN DISTRICT OF WASHINGTON, SEATTLE DIVISION**

12 In re:

Bankruptcy Case No. 14-16434-TWD

13 ANTONIO FRANCINE FLIGHT AND KIM
14 LYNNICE FLIGHT,

Chapter 13

15 Debtors.

**OBJECTION TO CONFIRMATION OF
CHAPTER 13 PLAN**

CONFIRMATION HEARING:

Date: November 5, 2014

Time: 9:30 AM

CTRM: 8106

16
17 **TO THE HONORABLE TIMOTHY W. DORE, U.S. BANKRUPTCY COURT JUDGE, THE**
18 **CHAPTER 13 TRUSTEE, THE DEBTORS, AND THE DEBTORS' COUNSEL:**

19 Bank of America, N.A., the holder of a secured claim and party-in-interest, ("BOA"),
20 hereby objects to confirmation of the Debtors' Chapter 13 Plan ("Plan").

21 BOA is the holder of a claim secured only by a security interest in the real property
22 commonly known as 11604 Rainer Ave S Unit 201, Seattle, WA 98178-3946. The total amount due
23 and owing under the promissory note is approximately \$273,705.40 and the pre-petition arrearage is
24 approximately \$93,559.93. §1322(b)(2) provides, in relevant part, as follows:

25 (b) Subject to subsections (a) and (c) of this section, the plan may--

26 . . .

27 (2) modify the rights of holders of secured claims, other than a claim secured only
28 by a security interest in real property that is the Debtor's principal residence

1 ...

2 (5) notwithstanding paragraph (2) of this subsection, provide for the curing of
3 any default within a reasonable time and maintenance of payments while the case
4 is pending on any unsecured claim or secured claim on which the last payment is
5 due after the date on which the final payment under the plan is due; . . .

6 BOA objects to confirmation of the Plan on the following grounds:

- 7 (1) The Debtors' Plan does not provide for repayment of the pre-petition arrearages owed
8 to BOA. Moreover, the Debtors' Plan also fails to provide that post-petition monthly
9 mortgage payments are to be tendered to BOA. Therefore, the Plan fails to comply
10 with § 1322 (b)(5) and § 1325.

11 Based upon the foregoing, BOA respectfully requests that the Court deny confirmation of the
12 Plan, or, in the alternative, order that the Plan be amended to provide for full payment of BOA's pre-
13 petition arrearage and post-petition monthly mortgage payments.

14
15 DATED: October 21, 2014

Respectfully Submitted,
MALCOLM ♦ CISNEROS, A Law Corporation

17 /s/ Nathan F. Smith
18 NATHAN F. SMITH
19 Attorney for Bank of America, N.A.
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1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA

3 ss.

4 COUNTY OF ORANGE

5 I am employed in the County of Orange, State of California. I am over the age of eighteen and not a
6 party to the within action; my business address is: 2112 Business Center Drive, Second Floor, Irvine,
CA 92612.

7 On October 22, 2014, I served the following document described as **OBJECTION TO**
8 **CONFIRMATION OF CHAPTER 13 PLAN** on the interested parties in this action by placing a
9 true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United
10 States mail at Irvine, California (**and via telecopy or overnight mail where indicated**), addressed
11 as follows:

12 DEBTOR

13 Antonio Francine Flight
14 327 29th Ave S
Seattle, WA 98122

15 Kim Lynnice Flight
16 327 29th Ave S
Seattle, WA 98122

17 DEBTORS' ATTORNEY

18 Erin Lane
19 1218 3rd Ave.
Suite 500
20 Seattle, WA 98101

21 CHAPTER 13 TRUSTEE

22 K Michael Fitzgerald
23 600 University St #2200
Seattle, WA 98101

24 I declare under penalty of perjury that the foregoing is true and correct.
25 Executed on October 22, 2014 at Irvine, California.

26 /s/Michael Levine
27 Michael Levine
28